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Staff: Trever Parker
Staff Report: October 30, 2006
Commission Hearing Date: November 15, 2006
Commission Action:

STAFF REPORT: CITY OF TRINIDAD

APPLICATION NO: 2006-11

APPLICANT (S): May B. Wright

AGENT: Richard Rowley, Six Rivers Solar

PROJECT LOCATION: 27 Frontage Rd.

PROJECT DESCRIPTION: Design Review and Coastal Development Permit to construct a 9' x 21' sunroom over a portion of an existing deck; a Variance is to reduce the required front yard setback from 20' to approx. 17' is also being requested to accommodate a portion of the proposed sunroom.

ASSESSOR'S PARCEL NUMBER: 042-052-03, 515-331-14

ZONING: C – Commercial

GENERAL PLAN DESIGNATION: C – Commercial

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per § 15301 of the CEQA Guidelines exempting minor alterations of and additions to existing facilities.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project is **X** **is not** appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act.

SITE CHARACTERISTICS:

The property is located just to the north of the intersection of Frontage Road and Westhaven Drive. Access to the site is from Frontage. These roadways, and Hwy 101, are located to the south and west of the site. Two different churches are located to the east and north of the property. There is vacant, residentially zoned land immediately to the west of the project site. The area around the property is a mix of residential and commercial development. The single property consists of two parcel numbers because the lot was once split by the Trinidad City Limit line, but both parcels are now within City Limits. The property is approximately 20,000 s.f. The lot is currently developed with a 1,560 sq.ft. 1-story, single-family residence. There is also an approximately 2,500 sq.ft. accessory building that houses a carport, storage and an art studio. The sewage disposal system is shown on the site plan. The lot is generally flat, and drains to the west and south; the proposed project will not affect drainage. No trees are proposed to be removed.

STAFF COMMENTS:

This project first came to planning staff through a building permit referral on June 15, 2006, when it was noted that the project would require a Coastal Development Permit and Design Review, because it alters the external profile of the structure and increases the square footage. In the process of acquiring all the necessary information from the applicant and agent, several issues of concern came up. The issues fell into three general categories: 1) property lines / setbacks, 2) unpermitted uses and structures and 3) septic issues. The setback issues are discussed further as part of the variance request discussion below. Staff wrote a letter to the property owner outlining these issues and met onsite with the family on October 26, 2006. However, although most of these issues were discussed, only those specifically applicable to the sunroom were fully addressed.

Comparing the site plan provided for this project and current aerial photos to past site plans for permitted projects (1981 and 1984), it appears that unpermitted construction has occurred on this property. This property used to contain a laundromat, hence the commercial zoning. The aerial photos show several additions and changes to the large accessory structure, and possibly the house, that do not match previously approved site plans. An old site plan from 1984 shows two accessory structures: a garage and the laundromat, which is now one large structure. Water hook-up and high water use data indicated that this accessory structure may be being used illegally as an accessory dwelling unit(s). The owner has stated that this is not the case; the building is mainly a pottery studio and storage area, but the unpermitted construction, although not a part of this application, may still be an issue. However, our files are not always complete, especially as to what building permits may have been issued, and whether site plan changes may have been approved by City staff. Therefore, the status of the building has not been verified.

The Health Department file information indicated that this property had surfacing effluent from the septic system in 1990 as well as a trailer illegally being used as a residence. The owner had the system pumped, and the Health Department visited the site, and it appears that this alleviated the problem. Although the notes indicated that Health Dept. staff would follow-up with a dye test of the system, there is no indication in the file that they did. The owner has stated that the Health Department did do the dye test and determined that her septic system was not causing a problem. Steve's Septic Service records show that the system is being maintained (pumped) and no problems were indicated at the last time of service in 2005.

Although the owner received a notice to discontinue the use of the trailer in 1990 along with the notice of the failed septic system, it is currently still in use. The owner states that one woman in her 70's is currently living in the trailer and that the trailer is hooked into the old laundromat septic system. This is a violation of City and State codes, but is not necessarily related to this application. It is possible that it was the trailer that was the source of the surfacing effluent. However, no further complaints have been received, and there was no evidence of surfacing effluent during our site visit.

There are several ways to view these issues in terms of this application. The first option is to ignore them at this point. This action would not legitimize any violations, and the City would still have the option of pursuing them any time in the future. Any problems relating to the septic system should be corrected through the OWTS Management Ordinance once adopted. The issue of second units, or accessory dwelling units, will be looked at more closely in the coming months, as the City Council has authorized / directed the Planning Commission to review this issue and provide recommendations to the Council. Further, it is recommended that if this project be approved, a condition be included that a restriction be recorded on the deed, limiting the property to 3-bedrooms (what currently exists in the house) and one unit. Also see the discussion under Sewage Disposal below.

In this case, I believe it would be difficult to document any unauthorized construction in terms of a plot plan or Planning Commission approvals. This is because the file information is not necessarily complete, and the projects that are on file for this property that occurred in 1981 and 1984 include very sketchy site plans, and may not include some changes that could have been approved by the building official. In terms of the potential building code violations, if this project were to be approved, a condition could be included that the Building Inspector review the entire site for code compliance as part of the building permit process for the sunroom. The results of this investigation would be put into the file for future reference and be forwarded to the City Council for a decision on whether to take further action based on the Building Inspector's recommendations. If any violations have occurred in relation to the deck that the sunroom will be placed on, those would have to be corrected prior to construction of the sunroom (a review of the deck has been included as a Condition of Approval).

ZONING ORDINANCE/GENERAL PLAN CONSISTENCY

The property where the project is located is zoned C – Commercial. The purpose of this zone is to provide commercial and retail services to meet the needs of residents, visitors, and fishermen. Principally permitted uses are offices, social halls and retail. Conditionally permitted uses include higher impact commercial uses such as auto repair, light manufacturing and motels. Single-family residences are also allowed with a Use Permit if they are associated with a commercial use. Issues of nonconformance are discussed further below.

The minimum lot size allowed in the C zone is 8,000 sq. ft. The maximum density is one dwelling per 8,000s.f. This project is proposed for a lot that is approximately 20,000 sq. ft. The existing residence is about 1,560 sq. ft. The existing site meets these standards. The sunroom will add approximately 190 sq. ft. of floor space to the residence, bringing the total to 1,750. The lot coverage, with the accessory structure is approximately 21%.

The Commercial (C) zone (§17.44.060) requires minimum yards of front 20', and rear and side none, or 5' when adjacent to any other zone, which this property is. Street side yards are always required to be 15' per § 17.56.110. The parcel faces Frontage Road on a diagonal to the southwest. The exact location of the property line is not known, but is assumed to be approximately the fence line along this property. Other City staff has told me that the property line is approximately the break-in-slope above the roadway (just in front of the refurbished Church sign), which the fence follows. An overlay of the parcel maps and a current aerial photo shows both, that the parcel lines are not well drawn in this location, and that the Frontage / Westhaven road right-of-ways are very wide in this area (> 100'). One purpose of the front yard setback is to provide a margin of safety between the street and buildings. In this case, the existing house is 16' - 18' from the property line, but approximately 35' from the edge of the street. The applicant is requesting a Variance be approved to allow a corner of the sunroom to encroach into the front yard setback approximately 3 ft. (2-4 ft.).

Decks and stairways, landings, balconies and uncovered porches are allowed to extend up to eight feet into front, rear or street-side yard setback areas, and three feet into side yard setback areas. The existing deck and stairway extend almost to the front fence line, and likely exceeds the allowable 8'. The deck may have been exempt from permit requirements (§17.72.070 exempts low decks, up to 30" high and up to 500 sq. ft. from Coastal Development Permits), but would still be subject to setbacks. Again, how, or when this occurred has not been verified. No changes to this deck are proposed. The sunroom is considered part of the residence and would not be a feature that is allowed to extend into setbacks.

The maximum height allowed in the C zone, by Zoning Ordinance § 17.44.070 (average ground level elevation covered by the structure to the highest point of the roof), is 25 feet, except that the Commission may require a lesser height in order to protect views. The maximum height of the existing residence is not indicated on the plans. The proposed sunroom will be less than 25' high.

No grading will be necessary for this project, as the sunroom will utilize the existing deck supports. The residence is already connected to the City's water system. Exterior materials and colors are pre-designed / made, but white trim with glass has been chosen to best match the existing improvements. Underground utilities no not already exist at the site, but would only be required for new development, not already connected to utilities. The project is consistent with General Plan policies; there are none that are specifically applicable to this project.

Nonconformance

There are two issues of nonconformance in terms of the residence; one has to do with the setbacks, and one has to do with the use. The southwest corner of the existing residence is likely encroaching into the front yard setback by 2 to 4 ft. (Note that the south east corner maintains an approximate 40 to 45 foot setback). Based on file information, it appears that this was approved in 1981 by the Planning Commission and Building Official, and it does not appear that a variance was issued. As the new Zoning Ordinance had just been adopted, and the City had just started issuing its own Coastal Development Permits, this was likely an oversight by City staff. There is a provision in the Zoning Ordinance (§17.76.020) that states: *"permits, certificates or licenses issued in conflict with the provisions of this title shall be null and void."* However, the City probably could not legally or morally enforce this provision on this property after 25 years since the addition received City approval. Therefore, a portion of the structure should be considered legal nonconforming as to the front yard setback.

Zoning Ordinance §17.64.010.A allows nonconforming structures to be altered or expanded, as long as the degree of nonconformance is not increased. Without the Variance, this project would increase the degree of nonconformity, but a Variance by definition allows this to occur. If the Variance is granted, it would not be considered to be an increase in the degree of structural nonconformance.

The other issue is nonconformance as to use. As noted above, residences are only allowed in the C zone with procurement of Use Permit. The project property previously contained the single-family residence in conjunction with the commercial laundry matte prior to the adoption of the Zoning Ordinance; therefore it was legally established. Since that time, the use of the property as a laundry matte has been discontinued. This did not change the status of the single-family use, as it still meets the definition of a nonconforming use, which is any land use *"which was lawfully established, but which does not now conform to the with the land use, yard, height, or other requirements and conditions of this chapter"* (§17.08.500).

Section 17.64.010.A referenced above specifically applies to *"any structure conforming as to use, but not conforming as to lot area, yards, height"* etc. This may imply that this structure, which no longer conforms as to use, could not be expanded. This interpretation would be appropriate, for example, for a commercial use, where an expansion of the square footage, would also be an increase in the intensity of the use.

In this case, additions to single-family residences would not increase the intensity or scope of the use; it remains a single-family residence. Subsection C provides guidance for nonconforming uses, as opposed to section A, which applies to nonconforming structures. Among other things, this section provides that *“a nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.”* This project does not violate this restriction. The intent of these regulations, taken all together, may have been to not allow the expansion of any structures containing a nonconforming use, but this is not clear. Another consideration is that this property was likely only zoned commercial because it had a commercial use, and that was considered appropriate since the property is near the entrance to town. On the other hand, there are no other commercial uses immediately adjacent to the property, and the character of the area is more residential. In a future update of the Zoning map, it would probably be prudent to designate this property as Planned Development. Staff does not feel that the proposed sunroom would be an increase in the degree or intensity of the nonconforming use.

SLOPE STABILITY:

The property where the proposed project is located is outside of any areas designated as unstable or questionable stability based on Plate 3 of the Trinidad General Plan. Best management practices for erosion control during grading activities will be dealt with through the building permit process.

SEWAGE DISPOSAL:

The existing sewage disposal system is shown on the site plan. The existing deck may have been built too close to the existing septic tank (another unverified, potential building violation), which is immediately adjacent to the deck on the west side. It is staff's understanding that current Health Department regulations require a 10' setback from any system component, but exceptions are routinely made. The sunroom will be built using the existing deck supports, and will extend to the west (toward the septic system) slightly less than the deck. Therefore, this project will not impact the septic system any more than existing development. The covers of the tank are still visible and easily accessible, and will remain so after construction of the proposed project. The Humboldt County Environmental Health Department had no objections to the project.

LANDSCAPING AND FENCING:

No new landscaping, fencing or major vegetation removal is proposed as part of this project

DESIGN REVIEW / VIEW PROTECTION FINDINGS:

Because the project alters the external profile of the existing structure, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made. The project also requires a Coastal Development Permit. Application materials

show the project location and include the plot plan that shows proposed and existing improvements, elevations and a summary of the project. Recommended Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

Design Review Criteria

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: The proposed project will not require grading for construction.
- B. *Structures in or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project is surrounded by a mixture of commercial, religious and residential development and is not located near any open space area.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The proposed sunroom is pre-made with white trim and glass, but has been chosen to best match the existing exterior colors and materials of the existing residence.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in developed areas. Attractive vegetation common to the area shall be used.* Response: No landscaping is proposed as part of this project. However, it can be found to be unnecessary, because only minor improvements are proposed, consistent with existing and surrounding development.
- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: No on-premise signs are associated with this project.
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: This project does not constitute new development requiring new utility connections; the residence is already connected to existing, above-ground utilities.
- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign*

clusters should be a single design theme. Response: No off-premise signs are associated with this project.

H. *When reviewing the design of commercial or residential buildings, the commission shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, un-crowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
1. *Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*

Response: The existing residence is approximately 1,560 sq. ft. as shown on the site plans. Per §17.08.310 (definition of floor area), this enclosed sunroom is considered as part of the square footage of the residence. The proposed sunroom will increase the square footage by about 200 sq. ft., bringing the total residence to 1,750 sq. ft., below the maximum guideline.

View Protection

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project property is not generally visible from anywhere due to topography.
- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: Because of its location and small size, the proposed sunroom has negligible potential to impact public views.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.* Response: Because of its location and small size, the proposed sunroom has negligible potential to impact private views.
- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same*

location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected. Response: There was no residence that was destroyed by fire associated with this project.

- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards. Response: The proposed project is not within 100 feet of the Trinidad Cemetery, Holy Trinity Church, the Memorial Lighthouse or the Tsurai Study Area.*

VARIANCE FINDINGS

Because the project will not meet the front yard setback required by Zoning Ordinance § 17.44.060, a "Variance" is being requested by the owner. Govt. Code Section 65906 defines the limitations to granting a variance. One such provision limits consideration to natural, physical conditions of the property where application of the general regulations would be confiscatory or produce unique hardship to the property owner. City staff, State Law and the Courts have all taken a strict interpretation of Variance provisions, only recommending them for severely, physically limited properties. In order to avoid setting precedence, staff does not recommend approval of variances, regardless of their nature or impact, when the owner has alternative options, even though those options may be less desirable, and when there are viable use(s) available on the lot. However, the Planning Commission may feel that the required findings can be made and approve this project. The following is an explanation of variances from the *California Planning Guide* put out by the Governor's Office of Planning and Research:

"A variance is a limited waiver of development standards allowed by the zoning ordinance. It may be granted, after a public hearing, in special cases where: (1) strict application of the zoning regulations would deprive property of the uses enjoyed by nearby lands in the same zone; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege.

"A variance does not permit a use that is not otherwise allowed in that zone (for example, a commercial use may not be approved in a residential zone by variance). Economic hardship alone is not sufficient justification for approval of a variance. Typically, variances are considered when the physical characteristics of the property make it difficult to use. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow a house to be built closer to the street than usually allowed."

Section 17.72.030 of the Trinidad Zoning Ordinance allows that: *A variance may be granted only upon adoption of written findings showing that all of the following*

conditions are present.” (emphasis added) The responses below have been provided by staff based on statements by and discussions with the applicant.

- A. *That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class or district.* Response: Most parcels are located on a standard right-of-way that is not more than 50' wide, and which is mostly developed. This parcel is located adjacent to rights-of-way (Frontage and Westhaven) that are both more than 100' wide, but less than half this width is actually improved, making the existing house and proposed sunroom at least 30 feet from the developed roadway. In addition, because of the topography, the improvements sit well above and out of sight of the roadway and the steep area between the property and right-of-way make it undevelopable. Further, the City already approved an encroachment into the front yard setback for a portion of the residence 25 years ago.
- B. *That owing to such exceptional or extraordinary circumstances the literal enforcement of specific provision of this title would result in the practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property.* Response: The situation of the right-of-way and the topography are not attributable to the owner, or previous owners. On the other hand, it is the current location of the house, approved by the City, that limits the placement of the sunroom. Now that the house is configured the way it is, the southwest corner of the sunroom must also encroach within the front setback in order to be accessible from an existing doorway. Further, the right-of-way runs along this property at an angle, increasing the distance and area of the setback; the street property line requiring the 20' setback is 110' long, limiting a much larger area than on most properties. This limits not just the south side of the property, but the south west as well, adding to the 'practical difficulty' of siting development on the lot in general and requiring triangular design / construction to fit within the front portion of the lot.
- C. *That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties.* Response: The situation of the wider than normal right-of-way and elevated bluff only applies in a few cases, and not to other commercially zoned properties or other zones.
- D. *That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class or district.* Response: The sunroom will greatly enhance the usability of the property, providing a location to enjoy the 'outdoors' while providing shelter from the winds and weather and traffic noise on the freeway. The sunroom can not be moved back (to the north, outside of the setback) and still be accessible through the existing door. The sunrooms are predesigned / manufactured, and cutting off a corner to meet setback requirements would require something custom, adding significant expense for engineering and construction.

- E. *That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvement in the vicinity.* Response: There will be no detrimental effect to adjacent properties. The proposed sunroom will not encroach into the front yard setback any more than the existing residence. Because of the width of the right-of-way and the topography, the improvements will not be readily visible from the street. The safety aspects of the front yard setback are still met even with a reduced setback, because the structure will still be more than 30' from the edge of the pavement. Because of this topography and existing improvements, it is not likely that the remainder of the right-of-way in this area will ever be developed, other than possibly a sidewalk.
- F. *That the granting of such variance will be consistent with the general purpose and intent of this title and will be in conformity with the policies and programs of the general plan and the Trinidad coastal program.* Response: A variance to reduce the required front yard setback from 20' to approximately 17' is requested. Benefits of the front yard setback, such as providing a margin of safety between the street and buildings and providing room for a vehicle to pull in and out are still met with the granting of this Variance. Only a small corner of the sunroom will extend into the setback, and the required setback is met along most of the 110' long property line alongside the street, with plenty of room between the street access for safety and vehicles. Other provisions of the Zoning Ordinance and General Plan are met with this project.
- G. *That the variance will not permit a use other than a use permitted in the applicable zoning district.* Response: The residential use was legally established in conjunction with a commercial use. That commercial laundry use has since ceased, but the residential use is still in existence as a legal, nonconforming use. Nonconformance is discussed above under the section on Zoning and General Plan Consistency. The proposed sunroom will not add any additional use(s) or increase the degree of nonconformity.
- H. *That either the variance will have no significant adverse environmental impact or there are not feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available which would substantially lessen any significant adverse impact that the actions allowed by the variance may have on the environment.* Response: The project is Categorically Exempt from CEQA per § 15303 of the CEQA Guidelines exempting minor alterations of and additions to existing facilities. The fact that a Variance is required will not change the environmental impacts. No ground disturbance or drainage changes, etc. will occur.
- I. *When the subject property is located between the sea and the first public road paralleling the sea...* Response: Not applicable.

STAFF RECOMMENDATION

Based on the above analysis, the proposed project can be found to meet the Design Review / View Protection requirements, and sewage disposal requirements. However, because of the Variance request, the project by definition does not meet all the provisions of the Zoning Ordinance and General Plan. In this case, some of the variance findings can be made, or at least partially made. However, the need for the specific location of the sunroom is based on owner (or previous owner) imposed limitations, including the desire for the most convenient location and the existing location of the residence. There are not physical limitations on the lot that require the sunroom be placed in the front setback. There is already a viable use existing on this lot; enforcement of the Zoning provisions would not be confiscatory. There are other options available to the owner, including altering the location of the sunroom, even if that is not the most convenient location, or redesigning the sunroom so that the corner will not encroach into the setback. Secondly, it is possible that the proposed project will meet setback requirements if the property lines were to be accurately located, eliminating the need for a Variance. If the Planning Commission agrees with staff's analysis, and the public does not bring up additional issues, the proposed motion might be similar to the following:

Based on the information submitted in the application included in the staff report and public testimony, I find that Variance findings A, B and / or D can not be made because the sunroom location is not limited because of the natural, physical characteristics of the property, the owner has other options, and / or has an existing viable use of the property, and I move to deny the project.

Alternative Motion for Partial Approval

As an alternative, the Planning Commission could approve the Design Review and Coastal Development Permit portions of this project with the condition that the property lines be accurately located, and that the sunroom meet the 20 ft. front yard setback requirement. Such a motion might be similar to the following:

Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings relating to Design Review and View Protection in this staff report and approve the Coastal Development Permit for the project as submitted and as conditioned below, with the additional condition that the property lines be accurately located and that the sunroom meet the required 20 ft. front yard setback.

Alternative Motion for Approval

If the Commission does not agree with staff's analysis, or if the public presents evidence that conflicts with the information contained in this staff report, the Commission may choose to approve the project. If the Commission does decide to approve the project, the approval should be based on specific findings that can be made and specific

aspects of this project that would not normally apply to other projects in order to avoid setting precedence. For example, the width and topography of the right-of-way. A motion could be similar to the following:

Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings in this staff report and approve the project as submitted and as conditioned below.

PROPOSED CONDITIONS

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, design review and variance approval are for a one-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to building permits being issued.*
3. Construction related activities are to occur in a manner that does not impact the integrity of the primary or reserve sewage disposal areas. The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the builder. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The builder will be required to file a mitigation report for approval by the City and County Health Department prior to permitting additional work to occur. A Copy of the report is to go to the building official and into the conditions compliance folder. *Responsibility: Building Official to verify prior to building permits being issued and during construction.*
4. Recommended conditions of the City Building Official shall be required to be met as part of the building permit application submittal. Specifically, the existing deck and supports shall be reviewed for building code compliance and any necessary corrections made prior to construction of the sunroom. Grading, drainage and street improvements will need to be specifically addressed at the time of building permit application. *Responsibility: Building Official prior to building permits being issued.*
5. Construction related activities are to occur in a manner that incorporates storm water runoff and erosion control measures in order to account for water quality considerations near the bluffs. Specific water quality goals include, but are not limited to:
 - a. Limiting sediment loss resulting from construction
 - b. Limiting the extent and duration of land disturbing activities

- c. Replacing vegetation as soon as possible
- d. Maintaining natural drainage conditions

Responsibility: Building Official to confirm at time building permits are issued and at the time of final inspection.

- 6. The applicant is responsible for submitting proof that a statement on the deed, in a form approved by the City Attorney, has been recorded indicating that any increase in the number of bedrooms or use, above a total of one unit and three bedrooms, will require City approval of adequate sewage disposal capabilities.
Responsibility: Building Official to verify prior to final inspection.
- 7. Applicant shall place roof drainage downspouts away from septic system tank and leachfields. *Responsibility: Building Official to confirm at time building permits are issued.*